

Application No: 09/920,245
Attorney's Docket No: US 018117

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 3 and 10 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1, 2, 4-8, and 17 have been amended. Claims 21-24 are new. Currently, claims 1-24 are pending in the present application of which claims 1, 8, and 17 are independent. No new matter has been added.

Claims 1, 2, 8, 9, and 17 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Bianchi (U.S. Patent Number 6,587,479). Claims 3, 5, 6, 10, 12, 13, 18, and 19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bianchi as applied to claims 1, 8, and 17, and further in view of Carhart (U.S. Patent Number 6,622,304). Claims 4 and 11 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bianchi as applied to claims 1 and 8 and further in view of Dinwiddie (U.S. Patent Number 6,481,013). Claims 7 and 14 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bianchi as applied to claims 1 and 8 and further in view of Allport (U.S. Patent Number 6,587,479). Claims 15, 16, and 20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bianchi as applied to claims 1 and 8 and further in view of Nguyen (U.S. Patent Application Number 2002/0104095). The above rejections are respectfully traversed for at least the reasons set forth below.

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Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 2, 8, 9, and 17 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the disclosure contained in Bianchi. This rejection is respectfully traversed because the claimed invention as set forth in amended claims 1, 8, and 17 and the claims that depend therefrom are patentably distinguishable over Bianchi.

Bianchi discloses a simple and low cost architecture for coupling wireless local area network ("wireless LAN") signals between geographically distributed access points and centrally located internetworking devices. Bianchi makes it economically efficient to deploy wireless local area networking equipment in locations where wired network infrastructure is not readily

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available. According to Bianchi, "a cable access point (CAP) is associated with each wireless local area network microcell. The cable access point includes access point equipment for communicating with portable computing equipment located within the microcell." A remote bridge converts such signals to a convenient transport format. The transport format implemented by the remote bridge depends upon the available cabling (See Col. 2, lines 21-56).

Claims 1, 8, and 17, as amended, each recite a system or an apparatus comprising an access point device including an IR receiver allowing remote control of at least one apparatus connected to said home network. As admitted by the Examiner in the Office Action (page 4), Bianchi fails to teach that the access point comprises an IR receiver, as recited in claims 1, 8, and 17. Specifically, Bianchi fails to teach an IR receiver for remote control of at least one apparatus connected to a home network.

Accordingly, Bianchi fails to teach all of the features contained in independent claims 1, 8, and 17, and thus, these claims are believed to be allowable. Claim 2 depends upon allowable claim 1 and claim 9 depends upon allowable claim 8, and these claims are also allowable at least by virtue of their dependencies.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

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To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 3, 5, 6, 10, 12, 13, 18, and 19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bianchi as applied to claims 1, 8, and 17, and further in view of Carhart (U.S. Patent Number 6,622,304). This rejection is respectfully traversed because Bianchi and Carhart, considered singly or in combination, fail to teach or suggest the claimed invention as set forth in claim 1, as amended to incorporate elements from cancelled claim 3; claim 8, as amended to incorporate elements from cancelled claim 10; and claim 17, as amended to include a gateway, as well as their dependents. In view of the fact that elements from cancelled claims were incorporated into independent claims, the following discussion will treat the independent claims as if they were rejected under 35 U.S.C. § 103(a).

Bianchi discloses a simple and low cost architecture for coupling wireless local area network ("wireless LAN") signals between geographically distributed access points and centrally located internetworking devices. Bianchi makes it economically efficient to deploy wireless local

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area networking equipment in locations where wired network infrastructure is not readily available. According to Bianchi, "a cable access point (CAP) is associated with each wireless local area network microcell. The cable access point includes access point equipment for communicating with portable computing equipment located within the microcell." A remote bridge converts such signals to a convenient transport format. The transport format implemented by the remote bridge depends upon the available cabling (See Col. 2, lines 21-56).

Carhart discloses an interface device associated with a communications station. As shown in FIG. 2, the interface device may be associated with each element of communications station. For example, if the communications station includes a television monitor and a keyboard, each of the keyboard and television monitor is provided with a separate communication path to the interface device. Such communication path, as previously discussed, may be, but is not limited to, an RF or infrared signal, a coaxial cable, a multi-pin cable, or other conventional data cables.

Claim 1, as amended, recites a system comprising a gateway for use between a home network and an external data network; and an access point device for a home network connected to or used with said gateway. The access point device includes an IR receiver allowing remote control of at least one apparatus connected to said home network. Claim 8, as amended, recites an access point for use with a gateway for use between a home network and an external data network. The access point device includes an IR receiver allowing remote control of at least one apparatus connected to the home network. The Official Action asserts that Bianchi discloses all the elements of claims 1 and 8 except for an IR receiver. Accordingly, the Applicants submit that Bianchi also fails to teach or suggest a system including an access point having an IR

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receiver connected to a gateway, as recited in claim 1, or an access point having an IR receiver for use with a gateway, as recited in claim 8.

Furthermore, the Applicants submit that Carhart also fails to teach or suggest an apparatus including an access point having an IR receiver connected to a gateway of claim 1. Carhart shows an interface device associated with the communications station. In accordance with one embodiment of the invention, communications station interface device is positioned in the signal path between a communications station and a cable input. As shown in FIG. 2, the interface device may be associated with each element of communications station. For example, if the communications station includes a television monitor and a keyboard, each of the keyboard and television monitor is provided with a separate communication path to the interface device. Such communication path, as previously discussed, may be, but is not limited to, an RF or infrared signal, a coaxial cable, a multi-pin cable, or other conventional data cables (Col. 13, lines 44-58). As shown in Fig. 2, the interface device may communicate directly by infrared with a peripheral device. Carhart fails to show connection of such an interface device to a separate access point device having an infrared receiver.

At least by virtue of Bianchi's and Carhart's failure to teach or suggest the above identified element of claims 1 and 8, the combination of these references is insufficient to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. Accordingly, the Examiner is respectfully requested to allow claim 1 over Bianchi in view of Carhart. Claims 2, 4-7, and 16, depending from allowable claim 1, and claims 9 and 11-15, depending from allowable claim 8, are also allowable over Bianchi in view of Carhart at least by virtue of their dependencies.

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Claim 17, as amended, recites an access point device comprising an IR receiver allowing remote control of at least one apparatus connected to said home network; said at least one of said plurality of appliances includes a gateway between a home network and an external data network. The Official Action asserts that Bianchi discloses all the elements of claim 17 except for an IR receiver. Accordingly, the Applicants submit that Bianchi also fails to teach or suggest an apparatus comprising an access point having an IR receiver for use with a gateway, as recited in claim 8.

Furthermore, the Applicants submit that Carhart also fails to teach or suggest an access point device comprising an IR receiver allowing remote control of at least one apparatus connected to said home network; said at least one of said plurality of appliances including a gateway between a home network and an external data network connectable to a monitor of claim 8. Carhart shows an interface device associated with the communications station. In accordance with one embodiment of the invention, communications station interface device is positioned in the signal path between a communications station and a cable input. The interface device may be associated with each element of the communications station by an RF or infrared signal, a coaxial cable, a multi-pin cable, or other conventional data cables (Col. 13, lines 44-58). Carhart fails to show connection of such an interface device to a separate access point device having an infrared receiver.

At least by virtue of Bianchi's and Carhart's failure to teach or suggest the above identified element of claim 17, the combination of these references is insufficient to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. Accordingly, the Examiner is

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respectfully requested to withdraw the rejection of claim 17. Claims 18-20 depend from allowable claim 17 and are also allowable over Bianchi in view of Carhart at least by virtue of their dependencies.

Claims 4 and 11 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bianchi in view of Dinwiddie. The Applicants submit that independent claims 1 and 8 are not anticipated by Bianchi. In addition, the Official Action does not rely upon Dinwiddie to make up for the deficiencies in Bianchi with respect to claims 1 and 8. Therefore, claims 4 and 11 which depend from claims 1 and 8 are allowable at least by virtue of their dependencies. The Examiner is therefore respectfully requested to withdraw the rejection of claims 4 and 11.

Claims 7 and 14 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bianchi in view of Allport. The Applicants submit that claims 1 and 8 are not anticipated by Bianchi. In addition, the Official Action does not rely upon Allport to make up for the deficiencies in Bianchi with respect to claims 1 and 8. Therefore, claims 7 and 14 which depend from claims 1 and 8 are allowable at least by virtue of their dependencies. The Examiner is therefore respectfully requested to withdraw the rejection of claims 7 and 14.

Claims 15, 16, and 20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bianchi in view of Nguyen. The Applicants submit that claims 1, 8, and 17 are not anticipated by Bianchi. In addition, the Official Action does not rely upon Nguyen to make up for the deficiencies in Bianchi with respect to claims 1, 8, and 17. Therefore, claims 15, 16, and 20 which depend from claim 1, 8, and 17 are allowable at least by virtue of their

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dependencies. The Examiner is therefore respectfully requested to withdraw the rejection of claim 15, 16, and 20.

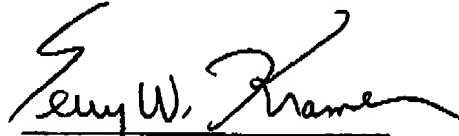
Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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